

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PECONIC BAYKEEPER, INC., KEVIN
MCALLISTER, ALFRED CHIOFOLO,

Plaintiffs,

-against-

SUFFOLK COUNTY, INC.,

Defendants.

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LINDSAY, Magistrate Judge:

ORDER

CV 04-4828 (ADS)(ARL)

Before the court is the plaintiffs' application dated February 24, 2006, requesting that the court reconsider its February 14th order, which denied in part the plaintiffs' request to extend the discovery deadlines. By way of background, the plaintiffs requested that all discovery be extended to April 21, 2006 in light of Judge Spatt's order that extended the time frame of vector control activity information to be produced to the plaintiffs. The plaintiffs indicated that the information would be produced by mid- March (forty-five days from February 2nd) but, nonetheless, requested an additional five weeks to take the continued deposition of Dominick Ninivaggi. It was the court's view that an additional five weeks was not necessary. Accordingly, the court directed the defendants to produce the outstanding discovery by March 17, 2006, and to take the continued deposition by March 31, 2006.

The plaintiffs contend that the court's order was a mistake. They argue that it will take longer to review the documents to prepare for the deposition than it should take the defendants to produce the documents. Moreover, the plaintiffs argue that they may wish to depose additional people based on information contained in the additional documents. The defendants oppose the motion. In their opposition, the defendants have indicated that additional time is not necessary because (1) the documents will be produced by March 17, 2006, (2) the parties have agreed to

limit the documents to be produced despite Judge Spatt's order and (3) they have scheduled the deposition of Mr. Ninivaggi for March 31, 2006.

The court agrees that its February 16th order was not a mistake and that no additional time should be needed to produce the outstanding documents or take the continued deposition. Moreover, the court will not extend the deadline on the basis of the plaintiffs' statement that they may want to take additional depositions based on the information produced. Although Judge Spatt extended the time frame for the production, the plaintiffs were already in receipt of the type of information they will be receiving in the supplemental production and the court believes that it is unlikely that additional depositions will be warranted at this late date. Accordingly, the plaintiffs' motion for reconsideration is denied.

Dated: Central Islip, New York
March 6, 2006

SO ORDERED:

_____/s/_____
ARLENE R. LINDSAY
United States Magistrate Judge